

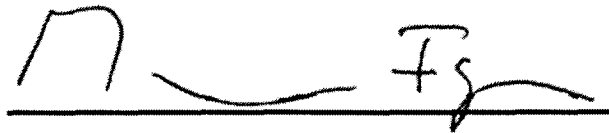


contract and that he assisted the Plaintiffs in resolving complaints regarding the refrigeration system installed by Tropical Air. In his affidavit, Trevino asserts that he did not interfere with any other business relationships but instead that he tried to assist the Plaintiffs by continuing to sell groceries on an open account despite the Plaintiffs' failure to pay their bills. Similarly, Trevino's affidavit states that he had no knowledge of any prospective business relationships, that he did not interfere with the Plaintiffs' relationships with any third parties, and that he instead promoted the Plaintiffs' business to third parties. No response was filed. Accordingly, the Defendants' second motion for summary judgment is granted with respect to the interference with a business relationship and interference with a prospective business relationship claims.

The Complaint<sup>1</sup> further asserts a cause of action against Grocers Supply under the doctrine of respondeat superior. Because the Court has granted summary judgment in favor of Trevino, the employee, with respect to all three causes of action asserted against him, there is no basis to support a derivative cause of action against the employer, Grocers Supply. Accordingly, summary judgment is granted in favor of Grocers Supply.

A separate judgment will be issued.

Signed at Houston, Texas, on June 9, 2006.

  
**MARVIN ISGUR**  
United States Bankruptcy Judge

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<sup>1</sup> A document titled Plaintiffs' First Amended Complaint was attached as an exhibit to the Defendants' second motion for summary judgment. However, no amended complaint was filed in this adversary proceeding.